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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,310	01/14/2004	Jane Pak	PAK-001	3508

7590 02/22/2005
Adam Underwood
#CB-2
2451 Brickell Avenue
Miami, FL 22202-4600

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/757,310

Applicant(s)

PAK, JANE

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 21 June 2004 includes the following entries to U. S. Patents: U. S. Patent No. 6,017,263 titled "Apparatus and method for retaining a catheter in a blood vessel in a fixed position", U. S. Patent No. 6,045,530, titled "Adjustable angle catheter", and U. S. Patent No. 6,033,394, titled "Catheter support structure".

Each of these (U. S. Patent Nos. 6,017,263, 6,045,530, and 6,033,394 have not been considered since applicant has not provided a concise explanation of the relevance to the garment button art. The references have been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7 should end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12 and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Karcsak (U. S. Patent No. 1,706,576). Karcsak ('576) discloses a button fastener comprising: a base (11) with a bottom surface; and a plurality of legs (14) connected to the base, wherein the plurality of legs extends from the bottom surface of the base; and wherein each leg of the plurality of legs is able to pass through a button hole;

(concerning claim 2) each leg of the plurality of legs is able to pass through a fabric (see line 55);

(concerning claim 3) the base is in the shape of a ring;

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(concerning claim 4) the base is in the shape of a flat plate;

(concerning claims 5, 6 and 7) wherein the plurality of legs is 2 legs, 3 legs, and 4 legs;

(concerning claim 12) further comprising a cover (16) to fit over a distal end of each of the plurality of legs;

(concerning claim 18) a method for manufacturing a button fastener comprising: providing a base (11) with a bottom surface; and connecting a plurality of legs (14) to the base, wherein each of the plurality of legs extends downward from the bottom surface of the base; wherein each leg of the plurality of legs is able to pass through a button hole; and able to pass through a fabric; and

(concerning claims 19 and 20) a method of attaching a button to a piece of fabric is discloses, comprising: placing a button (11) at a selected location on a piece of fabric(10); placing a fastener comprising a base (13) with a bottom surface; and a plurality of legs (14) connected to and extending downward from the bottom surface of the base; wherein each leg of the plurality of legs is able to pass through one of a plurality of holes (12a) of a button and then is able to pass through a fabric; guiding each of the plurality of legs through at least one of the plurality of holes of the button; forcing each of the plurality of legs to pass through the piece of fabric; and bending (into hooks 15) each of the plurality of legs such that the plurality of legs lay near a surface of the fabric (see Fig. 2); and further comprising placing a cover (16) capable of fitting over a distal end of a leg.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karcsak ('576) in view of Purinton (U. S. Patent No. 1,797,619). Karcsak ('576) discloses the claimed button fastener except for wherein the base includes a top surface with a colored coating

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having a pattern. Purinton ('619) teaches a button fastener having a base having colored coating (see lines 77-85, and Figure 1) having a pattern. Therefore, it would have been an obvious matter of design choice to one of ordinary skill in the art at the time the invention was made to have provided a colored coating and a pattern to the base of the button fastener of Karcsak ('576), as taught by Purinton ('619), since Purinton ('576) suggests that a button having its outer surface with "ornamentation" to resemble "the appearance of a glass or porcelain button" (lines 32, 33).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT J. SANDY
PRIMARY EXAMINER

Robert J. Sandy
Primary Examiner
Art Unit 3677